



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,452	06/11/2002	Michael Hofsaess	1780	1445
7590	03/18/2008		EXAMINER	
Striker Striker & Stenby 103 East Neck Road Huntington, NY 11743			DAVIS, OCTAVIA L	
			ART UNIT	PAPER NUMBER
			2855	
			MAIL DATE	DELIVERY MODE
			03/18/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/069,452	HOFSAESS, MICHAEL	
	<b>Examiner</b>	<b>Art Unit</b>	
	OCTAVIA DAVIS	2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10/25/01 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>10/25/01, 3/19/03</u> .	6) <input type="checkbox"/> Other: ____ .

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Baudendistel (6,931,940).

Regarding claims 1, 5 and 6, Baudendistel discloses a magnetostrictive strain sensor with hall effect comprising a carrier plate or housing 12, a magnet 18, a magnetically sensitive element 22 and a tongue element or an extended housing portion that is integral with the plate 12 and that protrudes from the plate, wherein between the extended housing portion and the plate 12 an air gap 26 is formed in which the magnetically sensitive element 22 is located (See Col. 2, lines 61 – 67, Col. 3, lines 1 – 9 and Col. 4, lines 34 – 39, See Fig. 1).

Regarding claim 2, the magnet 18 is mounted on the extended housing portion (See Fig. 1).

Regarding claim 3, the magnet 18 is attached to the plate 12 (See Col. 3, lines 55 – 63).

Regarding claim 4, a second magnet 20 is provided that is disposed on the extended housing portion and on the plate 12 (See Col. 4, lines 14 – 19).

Regarding claim 9, the extended housing portion is bar-shaped (See Fig. 1).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baudendistel (940') in view of Carignan (5,339,699).

Regarding claims 7, 8 and 10, Baudendistel discloses all of the limitations of these claims except that the measuring instrument has a stop for limiting the motion of the tongue element, the stop being on the plate element that is joined to the tongue element and a relative motion between a tongue element and a carrier plate leading to a change in a magnetic field intensity.

However, Carignan discloses a displacement/force transducers utilizing hall effect sensors comprising slots 24, 26, 28, 30 that form a pair of beams 18, 20 that provide extremely high force overload protection for the transducer (See Col. 3, lines 63 - 65) and the a pair of displacement magnets 38, 40 causing a change in magnetic field intensity (See Col. 4, lines 31 - 33), wherein the displacement is caused by a displacement or force input 15 at contact point areas 50, 52 which is transmitted to a mass 14 through a carrier plate or holding elements 46, 48 (See Col. 4, lines 29 – 33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baudendistel according to the teachings of Carignan for the purpose of, advantageously providing displacement stops to prevent overload of a transducer and therefore not damaging the transducer (See Carignan, Col. 3, line 68 and Col. 4, lines 1 - 10).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dukart (7,073,391) discloses a force sensor.

Warsher (2,351,377) discloses an electro-magnet structure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Octavia Davis whose telephone number is 571-272-2176. The examiner can normally be reached on Mondays through Thursdays from 9 to 5. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz, can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Edward Lefkowitz/

Supervisory Patent Examiner, Art Unit 2855

OD/2855

3/11/08

Application/Control Number: 10/069,452

Art Unit: 2855

Page 5